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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,077	04/12/2004	Peter Snowden	U04-0045.82	3076
24239	7590	08/09/2005	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			FIGUEROA, MARISOL	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,077

Applicant(s)

SNOWDEN, PETER

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 7-9** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7-9 are drawn to a “computer program” *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Todd U.S. Patent No. 6,760,423 B1** in view of **Fitser et al. U.S. Patent No. 5,631,904**.

Regarding claims 1 and 4, Todd discloses a method of automatic initiation for connecting a mobile phone to a conference call, the method comprising: in the mobile phone:

reviewing calendar event data stored in the mobile phone, the calendar event data containing conference call event data that includes a starting time for the conference call, a telephone number (col.1, lines 64-67 – col.2, lines 1-9; col.2, lines 66-67 – col.3, lines 1-11; col.3, lines 37-40; a client host, e.g. telephone, computer, wireless device, etc., initially accesses a calendar database in the host client's communication device to specify the time, day and the calls that will participate in the call, and once a managing algorithm identifies the specified time and date, the calendar starts the execution of a call command for the call);

automatically producing an alert shortly before the starting time of the conference call (col.3, lines 37-45; a notification in the form of a text message, or pre-recorded voice message appears in the host's client communication device to notify the host client of the call execution);

displaying a prompt asking whether to connect the conference call (col.3, lines 49-56; Figure 6, step 620);

automatically dialing the telephone number for the conference call upon an affirmative response to the prompt asking whether to connect the conference call (col.3, lines 57-59; the service is contacted and starts contacting each member of the call list to start a conference call).

However Todd fails to disclose wherein a passcode is contained in the calendar event data for authorizing connection to the conference call, and further receiving a prompt for the passcode receiving a prompt for the passcode authorizing connection to the conference call; obtaining the passcode from the conference call event data; and automatically entering the passcode. Fitser discloses a method for automatically establishing a conference call; a subscriber establishes a list of prospective participants to a conference call allowing the subscriber to cause the communications network to initiate the conference call to the list of participants; the teleconferencing system includes a database and a processor, the processor creates and modify records within the database to define a subscriber's calling list and account preferences (col.1, lines 47-59; col.2, lines 15-34, 54-60). Figure 4 shows an exemplary record that includes an subscriber identifier field, subscriber PIN field, a telephone number field, and telephone numbers of prospective participants to the conference call (col.5, lines 4-14), thus when the subscriber accesses a teleconferencing platform to start a conference call, the processor retrieve from the database one or more records that include information of the pre-defined calling groups, and the processor requests a personal identification number or "PIN" from the subscriber in order for the processor to compare it with the one stored in the record and continue the processing of the call, further the subscriber might be able to schedule a conference call with a particular calling group for which the user has a record (col.4, lines 27-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to store a passcode in a record to start an automatic conference call and prompt a subscriber for a passcode before initiation of the conference call as taught by Fitser (col.3, lines 9-

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32), as a security measure in order to determine whether to continue or not the processing of the call.

Regarding claim 7, Todd discloses a computer program product for automatic initiation for connecting a mobile phone to a conference call, the method comprising (col.3, lines 11-14, the client host comprises a calendar software that implements the steps of automatic initiation of a conference call at a scheduled time): in the mobile phone:

computer program code for reviewing calendar event data stored in the mobile phone, the calendar event data containing conference call event data that includes a starting time for the conference call, a telephone number (col.1, lines 64-67 – col.2, lines 1-9; col.2, lines 66-67 – col.3, lines 1-11; col.3, lines 37-40; a client host, e.g. telephone, computer, wireless device, etc., initially accesses a calendar database in the host client's communication device to specify the time, day and the callees that will participate in the call, and once a managing algorithm identifies the specified time and date, the calendar starts the execution of a call command for the call);

computer program code for automatically producing an alert shortly before the starting time of the conference call (col.3, lines 37-45; a notification in the form of a text message, or pre-recorded voice message appears in the host's client communication device to notify the host client of the call execution);

computer program code for displaying a prompt asking whether to connect the conference call (col.3, lines 49-56; Figure 6, step 620);

computer program code for automatically dialing the telephone number for the conference call upon an affirmative response to the prompt asking whether to connect the conference call (col.3, lines 57-59; the service is contacted and starts contacting each member of the call list to start a conference call).

However Todd fails to disclose wherein a passcode is contained in the calendar event data for authorizing connection to the conference call, and further receiving a prompt for the passcode receiving a prompt for the passcode authorizing connection to the conference call; obtaining the passcode from the conference call event data; and automatically entering the passcode. Fitser discloses a method for automatically establishing a conference call; a subscriber establishes a list of prospective participants to a conference call allowing the subscriber to cause the communications network to initiate the conference call to the list of participants; the teleconferencing system includes a database and a processor, the processor creates and modify records within the database to define a subscriber's calling list and account preferences (col.1, lines 47-59; col.2, lines 15-34, 54-60). Figure 4 shows an exemplary record that includes an subscriber identifier field, subscriber PIN field, a telephone number field, and telephone numbers of prospective participants to the conference call (col.5, lines 4-14), thus when the subscriber accesses a teleconferencing platform to start a conference call, the processor retrieve from the database one or more records that include information of the pre-defined calling groups, and the processor requests a personal identification number or "PIN" from the subscriber in order for the processor to compare it with the one stored in the record and continue the processing of the call, further the subscriber might be able to schedule a conference call with a particular calling group for which the user has a record (col.4, lines 27-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to store a passcode in a record to start an automatic conference call and prompt a subscriber for a passcode before initiation of the conference call as taught by Fitser (col.3, lines 9-32), as a security measure in order to determine whether to continue or not the processing of the call.

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5. **Claims 2, 3, 5, 6, 8, and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Todd** in view of **Fitser et al.**, and further in view of **Kennedy U.S. Publication No. 2004/0203977 A1**.

Regarding claims 2, 3, 5, and 6, the combination of Todd and Fitser discloses the method of claim 1, however fails to disclose wherein the affirmative response to the prompt asking whether to connect to the conference call is in the form of a keypress on the mobile phone keypad, and further the response is in the form of a keyword voice response that is recognized by the mobile phone in a voice activated mode. Kennedy discloses a method and device for establishing communication with multiple devices, by selecting a multiparty call group from a storage device or forming a multiparty call group (Abstract, lines 1-6). Kennedy further discloses the features of the communication device for establishing the multiparty call comprising: a housing; a display in an opening of the housing; an alphanumeric keypad and function buttons to facilitate entering phone numbers, and commands to control the operation of the communication device; and a speaker and microphone grill within the housing (P.0015-0020). The user of the communication device, (i.e. mobile phone) wishing to start a multiparty group call selects the multiparty call feature from the menu and a series of questions are displayed to the user to answer, the word "YES" may be displayed above a select button and the word "NO" in another select button, the user uses these keys to respond to the questions, furthermore the user may also respond to the questions via voice recognition by speaking a yes or no into the microphone (P.0034). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to respond to a prompt in a communication device, (i.e. mobile phone) by a keypress on the mobile phone keypad or by a keyword voice response as taught by Kennedy, since it is commonly well known to respond to queries that appears in the screen of a mobile phone by a keypress and voice recognized commands.

Regarding claims 8 and 9, the combination of Todd and Fitser discloses the computer program product of claim 7, however fails to disclose wherein the affirmative response to the prompt asking whether to connect to the conference call is in the form of a keypress on the mobile phone keypad, and further the response is in the form of a keyword voice response that is recognized by the mobile phone in a voice activated mode. Kennedy discloses a method and device for establishing communication with multiple devices, by selecting a multiparty call group from a storage device or forming a multiparty call group (Abstract, lines 1-6). Kennedy further discloses the features of the communication device for establishing the multiparty call comprising: a housing; a display in an opening of the housing; an alphanumeric keypad and function buttons to facilitate entering phone numbers, and commands to control the operation of the communication device; and a speaker and microphone grill within the housing (P.0015-0020). The user of the communication device, (i.e. mobile phone) wishing to start a multiparty group call selects the multiparty call feature from the menu and a series of questions are displayed to the user to answer, the word "YES" may be displayed above a select button and the word "NO" in another select button, the user uses these keys to respond to the questions, furthermore the user may also respond to the questions via voice recognition by speaking a yes or no into the microphone (P.0034). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to respond to a prompt in a communication device, (i.e. mobile phone) by a keypress on the mobile phone keypad or by a keyword voice response as taught by Kennedy, since it is commonly well known to respond to queries that appears in the screen of a mobile phone by a keypress and voice recognized commands.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- 1- Benco et al. (US Pub. 2005/0018826 A1) discloses a conference call scheduling.
- 2- IBM Technical Disclosure Bulletin (January 1994) discloses a method for automatic conference calling by scheduled event.

Conclusion

Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marisol Figueroa


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
7/25/05